



Suffolk Superior Civil # 04-1748BLS ✓

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PURPLE TUNNEL ENTERPRISES, INC.,  
LOUIS G. SILVA, JR., and  
ANTHONY D. FONTES, III,  
Plaintiffs

v.

BEACON HALL, LLC, ERIK HALL MOSHER,  
JAMES M.F. GILMORE, DOUGLAS MASTER,  
and ANDREW P. PALMER,  
Defendants

C.A. No.:

04-10874 EFH

MICHAEL JOSEPH DORROH  
CLERK OF THE COURT  
CIVIL PRACTICE  
SUFFOLK COUNTY MASSACHUSETTS  
APR 13 2004  
Q: i  
i. m. t. A

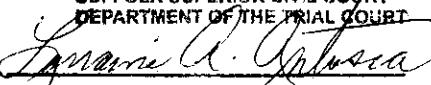
DEFENDANTS', BEACON HALL, LLC, JAMES M.F. GILMORE, DOUGLAS MASTER  
AND ANDREW P. PALMER, NOTICE OF REMOVAL TO FEDERAL COURT PURSUANT  
TO 28 U.S.C. § 1446 AND LOCAL RULE 81.1

Please take notice that, pursuant to 28 U.S.C. § 1446 and Local Rule 81.1, Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby remove to the Federal Court for the District of Massachusetts the matter filed by Purple Tunnel Enterprises, Inc., et al at the Suffolk County Superior Court under Civil Action No. 04-1748 BLS. As grounds thereof, Defendants state that this matter is subject to Federal jurisdiction as the Complaint and the Civil Action Cover Sheet allege “[t]his is an action to enforce a franchise agreement against a former franchisee and its guarantors”.

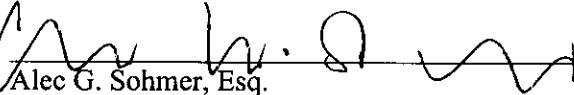
Plaintiffs are alleging violations of the Franchise Agreement, which falls under the Federal Trade Commissions' Rule on Franchising, 16 C.F.R. § 436. Count III of the Complaint alleges violation of the Federal Lanham Trademark Act, 15 U.S.C.A. §§ 1114 and 1125. Other allegations under the Complaint fall under 37 C.F.R. §§ 1-199 (pertaining to trademarks) and §§ 200-299 (pertaining to copyrights). The amount sought under the Complaint is alleged to be \$75,000.00. Defendants' counterclaim will seek an amount greater than \$75,000.00, exclusive of fees and costs.

This Notice of Removal is signed pursuant to Rule 11 of the Federal Rules of Civil Procedure.

HEREBY ATTEST AND CERTIFY ON  
MAY 7, 2004 THAT THE  
FOREGOING DOCUMENT IS A FULL,  
TRUE AND CORRECT COPY OF THE  
ORIGINAL ON FILE IN MY OFFICE,  
AND IN MY LEGAL CUSTODY.

BY   
MICHAEL JOSEPH DONOVAN  
CLERK / MAGISTRATE  
SUFFOLK SUPERIOR CIVIL COURT  
DEPARTMENT OF THE TRIAL COURT  
ASSISTANT CLERK.

BEACON HALL, LLC, JAMES M.F. GILMORE,  
DOUGLAS MASTER and ANDREW P. PALMER  
by their attorney,

  
Alec G. Sohmer, Esq.  
71 Legion Parkway, Suite 23  
Brockton, MA 02301  
Tel. No.: (508) 583-6510  
Fax No.: (508) 583-1263  
BBO No.: 559204

Date: Monday, May 03, 2004

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

PURPLE TUNNEL ENTERPRISES, INC.,	:	
LOUIS G. SILVA, JR., and	:	
ANTHONY D. FONTES, III,	:	
Plaintiffs	:	
v.	:	C.A. No.:
BEACON HALL, LLC, ERIK HALL MOSHER,	:	
JAMES M.F. GILMORE, DOUGLAS MASTER,	:	
and ANDREW P. PALMER,	:	
Defendants	:	

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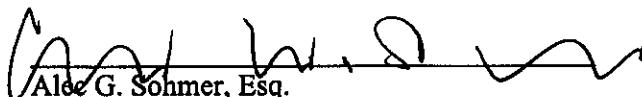
CERTIFICATE OF SERVICE

I, Alec G. Sohmer, attorney for Defendants, Beacon Hall, LLC, James M.F. Gilmore, Douglas Master and Andrew P. Palmer, hereby certify that on Monday, May 03, 2004, I served the above Notice of Removal to the following by mailing a copy of same, postage pre-paid:

Suffolk County Superior Court  
U.S. Post Office and Courthouse  
90 Devonshire Street, 8<sup>th</sup> Floor  
Boston, MA 02109

Attorney Andrew C. Oatway  
Morisi & Oatway, PC  
1400 Hancock Street, 3<sup>rd</sup> Floor  
Quincy, MA 02169-5293

Signed this 3<sup>rd</sup> day of May, 2004 under the pains and penalties of perjury.



Alec G. Sohmer, Esq.  
71 Legion Parkway, Suite 23  
Brockton, MA 02301  
Tel. No.: (508) 583-6510  
Fax No.: (508) 583-1263  
BBO No.: 559204